

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

M. WILLIAM POTTS,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 04-40068-GAO
)	
DAVID L. WINN,)	
)	
Respondent.)	
)	

MOTION OF RESPONDENT DAVID L. WINN TO EXCEED PAGE LIMIT

The Respondent David L. Winn, through his undersigned counsel hereby moves for leave to file a memorandum of approximately 31 pages in length in opposition to the Petition for habeas corpus and in support of his motion to dismiss.

In support of the motion to exceed the page limit, the Respondent states that the Petition raises a number of issues that cannot adequately be addressed in 20 pages. The Petition attacks the legality of a 2002 change in BOP practice regarding placement in community corrections centers. In this regard the Petition asserts that the change in practice is inconsistent with the relevant statutory law; violates the Administrative Procedures Act; and violates his rights under the Ex Post Facto and Due Process Clauses of the Constitution.

The Respondent believes that the Court's consideration of these issues would benefit if a brief of approximately 31 pages were accepted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

Dated: July 13, 2004 By: /s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
John Joseph Moakley Courthouse
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CERTIFICATE PURSUANT TO LR. 7.1(A)(2)

The Respondent takes the position that, because LR. 7.1(A)(2) requires "counsel" to confer, the Rule is inapplicable where, as here, plaintiff is proceeding pro se and is incarcerated. To the extent the Court considers the Rule applicable, the undersigned requests that it be waived here.

/s/ Christopher R. Donato
Christopher R. Donato
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion to Exceed Page Limit was served upon Petitioner M. William Potts, Reg. No. 24866-038, Unit 1, FMC Devens Camp, P.O. Box 879, Ayer, MA 01432 by first class, postage prepaid mail on this date.

July 13, 2004 /s/ Christopher R. Donato
Christopher R. Donato
Assistant U.S. Attorney